

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2311394
Decision Date:	12/28/2023	Hearing Date:	12/12/2023
Hearing Officer:	Patricia Mullen		

Appearance for Appellant:
Pro se

Appearances for MassHealth:
Katina Dean, Transportation Unit; Ron Rambo,
Supervisor



*The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street, Quincy, Massachusetts 02171*

APPEAL DECISION

Appeal Decision:	Denied	Issue:	Transportation
Decision Date:	12/28/2023	Hearing Date:	12/12/2023
MassHealth's Reps.:	Katina Dean, Transportation Unit; Ron Rambo, Supervisor	Appellant's Rep.:	Pro se
Hearing Location:	Quincy Harbor South (remote)		

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

Through notices dated November 2, 2023, and November 17, 2023 the MassHealth Transportation Authorization Unit denied the appellant's Provider Request for Transportation (PT-1) because MassHealth determined that MassHealth does not cover transportation to providers located .75 miles or less from the member's home. (see 130 CMR 407.411(B) and Exhibits 1, 3). The appellant filed this appeal in a timely manner on November 13, 2023. (see 130 CMR 610.015(B) and Exhibit 2). Denial of transportation services is valid grounds for appeal. (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant's request for transportation services.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 407.411(B), in denying appellant's request for transportation services.

Summary of Evidence

The appellant appeared telephonically at the hearing and verified her identity. MassHealth was represented telephonically by a worker from the MassHealth Transportation Unit and her supervisor. The appellant is under the age of 65, and open on MassHealth CarePlus. (Exhibit 5).

The MassHealth representative stated that MassHealth received a PT-1 on November 1 2023, submitted on the appellant's behalf, requesting transportation to the appellant's mental health provider. (Exhibit 3, p. 2). The MassHealth representative stated that the provider did not respond to the question on the PT-1 regarding the medical reason why the appellant requires transportation services. (Exhibit 3, p. 2). The MassHealth representative stated that the request was denied because MassHealth does not provide transportation services to providers located .75 miles or less from the member's home, unless the member has mobility/ambulatory issues. The MassHealth representative stated that no evidence was presented to support that the appellant has any mobility or ambulatory issues. The MassHealth representative stated that MassHealth determined that the appellant's provider is located less than .75 miles from her home.

The appellant stated that she did a Google map and her provider is located .6 miles from her home. The appellant noted that she used to receive transportation services to this provider when she lived in another town, but recently moved closer. The appellant stated that she had a friend who would drive her to appointments, but the friend injured her leg and cannot drive. The appellant stated that she is concerned about getting to her provider in stormy, winter weather. The appellant stated that there is no taxi services in her town and an Uber is expensive. The appellant stated that she is worried about missing these important appointments and argued that the lack of transportation is a hardship to her.

It was suggested at the hearing that the appellant ask her provider about telehealth visits.

Findings of Fact

Based on a preponderance of the evidence, I find the following:

1. MassHealth received a PT-1 on November 1 2023, submitted on the appellant's behalf, requesting transportation to the appellant's mental health provider.
2. The appellant's provider did not respond to the question on the PT-1 regarding the medical reason why the appellant requires transportation services.
3. The appellant does not have any mobility or ambulatory issues.

4. The appellant's provider is located less than .75 miles from her home.

Analysis and Conclusions of Law

Transportation Utilization Requirements

(B) Noncovered Services. The following are examples of transportation services that are not covered by MassHealth:

- (1) transportation to child day-care centers and nurseries;
- (2) transportation of persons who are elderly or disabled to adult day health programs, except when arranged by special contract with the MassHealth Adult Day Health Program;
- (3) transportation to schools, summer camps, and recreational programs (for example, swimming classes);
- (4) transportation of family members to visit a hospitalized or institutionalized member;
- (5) transportation to a medical facility or physician's office for the sole purpose of obtaining a medical recommendation for homemaker/chore services;
- (6) transportation to government-agency offices;
- (7) transportation to visit a child in foster-care placement or in group-care placement;
- (8) transportation to a medical service that is within 0.75 miles of the member's home or other MassHealth agency-approved point of origin, when the member is able to ambulate freely with or without an escort;
- (9) transportation to pharmacies to obtain medications; and
- (10) transportation to obtain computerized axial tomography (CAT) scans at a facility other than one that has been issued a Certificate of Need by the Massachusetts Department of Public Health.

(130 CMR 407.411(B)).

The appellant requested coverage for transportation services to her mental health provider Pursuant to 130 CMR 407.411(B)(8), MassHealth does not cover transportation to a medical service that is within 0.75 miles of the member's home or other MassHealth agency-approved point of origin, when the member is able to ambulate freely with or without an escort. The appellant's mental health provider is located less than .75 miles from her home, and there is no evidence that the appellant cannot ambulate freely. Accordingly, MassHealth's determination is upheld and the appeal is denied.

Order for MassHealth

None.

Notification of Your Right to Appeal to Court

If you disagree with this decision, you have the right to appeal to Court in accordance with Chapter 30A of the Massachusetts General Laws. To appeal, you must file a complaint with the Superior Court for the county where you reside, or Suffolk County Superior Court, within 30 days of your receipt of this decision.

Patricia Mullen
Hearing Officer
Board of Hearings

cc: MassHealth Representative: Katina Dean, MAXIMUS - Transportation, 1 Enterprise Drive,
Suite 310, Quincy, MA 02169